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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/722,369

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Atsushi Hirano

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Fujitsu Patent Center

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EXAMINER

MILLER, ALAN S

ART UNIT

PAPER NUMBER

3624

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/722,369	<b>Applicant(s)</b> HIRANO ET AL.	
	<b>Examiner</b> ALAN MILLER	<b>Art Unit</b> 3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 4, 6, 8 – 10, and 12 – 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6, 8 – 10, and 12 – 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/27/10</u> .   | 6) <input type="checkbox"/> Other: _____                          |

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### **DETAILED ACTION**

1. This action is in response to the Request for Continued Examination filed 9/27/2010.

Claims 1, 3, 4, 6, 8 – 10, and 12 – 15 are pending and have been examined; claims 2, 5, 7, and 11 are cancelled.

This action is Non Final.

### **Continued Examination Under 37 CFR 1.114**

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/27/2010 has been entered.

### **Response to Amendment**

3. Examiner notes amendments to claims 1, 3, 4, 6, 8, 9, 10, 12, and 13, and the addition of claims 14 and 15.

### **Response to Arguments**

4. Applicant's arguments filed 9/27/2010 have been fully considered but they are not persuasive.

Applicant states / argues on pages 10 – 11 of Applicant's response "As acknowledged by the examiner on page 10, lines 20 to page 11, line 5 of the Office Action, Jilk et al. does not

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disclose or suggest, among other things, "if no worker information is extractable for a work item as a result of said extracting, extracting ...". Hence, the Office Action, on page 11, lines 6 -20 relies on Casey-Cholakis et al. as disclosing that a training system tracks end of date training and sends emails when training is required, and stores said information in a database (column 4, lines 33- 55). However, Casey-Cholakis et al. merely manages a due date for completion of the training program. This due date merely indicates a target date by which the administrator urges the user to complete the training program. Further, Casey- Cholakis et al. merely updates which training has been completed and which training has not been completed". Examiner respectfully disagrees.

In response to Applicant's arguments regarding the Jilk et al. reference, these arguments are moot in view of new grounds of rejection.

In response to Applicant's arguments regarding Casey-Cholakis et al., in respect to the end date of training, that ¶0112 of the PGPUB 2004/0128189 (the publication of the currently examined invention, page 27 of Applicant's originally filed specification) and ¶0145 of the PGPUB (pages 36 and 37 of Applicant's originally filed specification) discloses that the 'end date of training' is the scheduled end date of the training. This is the equivalent as the target date by which administrator urges the user to complete the training program, as disclosed by Casey-Cholakis et al. , since it is only a scheduled date. Further, Casey-Cholakis et al. discloses date of a training completion is stored in a database.

### **Claim Rejections - 35 USC § 112**

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims **1, 3, 4, 6, 8 – 10, and 12 – 15** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation “based on information of the work item with respect to the work stored in a work item information storage unit”, however, it is unclear what work is stored in the storage unit, since there is a lack of antecedent basis for the term "the work".

Claim 1 recites the limitation “second extracting by the computer, when no worker information is extractable for the work item as a result of said first extracting, another worker information”, however, it is unclear what is meant by 'another worker information', since no other worker information is extractable. If there is no other worker, how can there be another worker? Further, the term 'another worker information' is a grammatically unclear phrase.

Claims 3, 4 and 14 are rejected as being dependent from claim 1.

Claims 6 and 10 recite similar limitations as claim 1, and have the same deficiencies, and are rejected using the same rationale. Claims 8 and 9 are rejected as being dependent from claim 6, and claims 12, 13 and 15 are rejected as being dependent from claim 10.

### **Claim Rejections - 35 USC § 103**

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims **1, 6, 10, 14 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stipanovich et al. (U.S. 5, 117, 353, hereinafter Stipanovich) in view of Casey-Cholakis et al. (U.S. 6,438,353, hereinafter Casey-Cholakis).

In respect to claim **1**, Stipanovich discloses:

**first extracting by the computer-in response to receiving a work order, worker information related to a worker having a skill capable of performing a work item with respect to the work order, based on information of the work item with respect to the work stored in a work item information storage unit and skill information of workers stored in a skill information storage unit** (see at least column 8, line 61 – column 10, line 40, which discloses referring now to FIG. 6, there is shown a detailed block flow diagram of the software operable on computer system 11 which performs the functions represented by function block 15 of FIG. 2. Filling job orders is done by matching employee records in the Employee Inventory File 200 with job order records in the Job Order File 300. The system software compares 85 the beginning and ending dates for next future jobs (78, 79, 80, 81, 82, and 83) with the beginning and ending dates 61 of the job order record in the Job Order File 300. Then, the system software determines 86 whether the beginning and ending dates in a job order record fall between the beginning and ending dates of the jobs currently scheduled, known in the art as a "window" of time, for each employee record in the Employee Inventory File 200. If there is no match, alternatives are considered as described below for FIG. 6b. If the employee record represents an employee who is available for work during the matching time "window," the system software then compares 87 the required job skill 59 with the recorded employee skills 40. Decision block

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88 represents determining whether skills required match skills available. If there is no match, then alternatives are considered as described below for FIG. 6b. Training requirements 60 and training information 94 are compared 91 in the Employee Inventory File 200, The system determines if these match 92. If the training requirements are not met by the current employee, then alternatives are considered as described below for FIG. 6b. Otherwise, the employee represented by the employee record currently under examination is a "candidate employee" suitable for assigning to the job specified by the job order record in the Job Order File 300. This is noted by the software in the Employee Inventory File 200 and the Job Order File 300 by storing pertinent information 93. The number of jobs currently scheduled for the employee 69 represented by the current employee record is incremented. The beginning date 70 and ending date 71 of the next scheduled job are filled with the beginning and ending dates 61 of the job specified in the Job Order File 300. The skill required 72 for that scheduled job in the Employee Inventory File 200 is filled with the information in the current job order record 59 of the Job Order File 300. Finally, the software stores the client division department name 52 to the assigned client field 73 for the scheduled order (i.e. first extracting by the computer-in response to receiving a work order, worker information related to a worker having a skill capable of performing a work item with respect to the work order, based on information of the work item with respect to the work stored in a work item information storage unit and skill information of workers stored in a skill information storage unit));

**second extracting by the computer, when no worker information is extractable for the work item as a result of said first extracting, another worker information related to a worker who will have a skill capable of performing the work item with respect to the work**

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**order, by a time the work item of the work order is to be performed** (see at least column 8, line 61 – column 10, line 40, which discloses referring now to FIG. 6b, there is shown a detailed block flow diagram of system software functions for alternative matching criteria. If no suitable employee is found using the exact matching techniques discussed above, "near matching" techniques may be employed. The software prompts the operator of the workstation to determine if a near match should be attempted 158. Examiner further notes that FIG 6b discloses box 158, which asks "Do Near Match", and if the answer is "No", then it proceeds to "E", which, as shown on FIG. 6, states "Go To Next Employee" (i.e. second extracting by the computer, when no worker information is extractable for the work item as a result of said first extracting, another worker information related to a worker who will have a skill capable of performing the work item with respect to the work order, by a time the work item of the work order is to be performed);

**storing by the computer, data of the extracted worker with respect to each work item in the work item information storage unit** (see at least column 9, lines 32 – 48).

Stipanovich further discloses, in at least FIG. 6, Compare training requirements with training information (91), and further discloses Skills (40) and Training Information (94) (i.e. based on information related to the training stored in the skill information storage unit).

Stipanovich therefore discloses second extracting by the computer, when no worker information is extractable for the work item as a result of said first extracting, another worker information related to a worker who will have a skill capable of performing the work item with respect to the work order, by a time the work item of the work order is to be performed based on information related to the training stored in the skill information storage unit.



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Stipanovich does not explicitly disclose **end of date of the training stored in the skill information storage unit.**

Casey-Cholakis discloses a training system tracks end of date training and sends emails when training is required, and stores said information in a database (i.e. information related to an end date of training) (see at least column 4, lines 25 – 51, wherein Casey-Cholakis discloses date of a training completion is stored in database 70 and a training system that includes a training program listing including a due date for completion. The training system tracks what training is required for each user and what training has been completed, and further sends emails to users when training is required and automatically updates the user's training history, and storing said information in a database (i.e. information related to an end date of training) ).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the training and skill requirements storage of Stipanovich the training system with due dates, required training and automatic training history update in a database of Casey-Cholakis since the claimed invention is merely a combination of old elements, and one of ordinary skill in the art would have recognized that it would produce a predictable result of having the training completion and due dates available in a database to determine which workers will have the required task skills to meet the projected worker requirements by the time they are needed.

In respect to claim 14, Stipanovich discloses **storing by the computer the skill information of workers and information related to training which is being received by each worker in the skill information storage unit** (see at least FIG. 6, 200, and column 8, lines 66 – 68, which discloses the Employee Inventory File).

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Stipanovich does not explicitly disclose **an end date associated with a received training is stored.**

Stipanovich teaches a job matching system that matches employees to jobs based on skills and training. It is old and well known in the art to store a completion date of training, such as a resume containing a graduation date (i.e. a completion date) for a degree. It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the workers skill information of Stipanovich, an end date for a training, since the claimed invention is merely a combination of old elements, and one of ordinary skill in the art would have recognized that it would produce a predictable result of more accurately representing that a user has completed a training, thus allowing the system to match only qualified candidates with jobs.

Stipanovich further discloses **storing by the computer the information of each work item with respect to the work in the work item information storage unit** (see at least column 7, line 37 – column 8, line 17, which discloses Job Order File); and

**storing by the computer worker information related to a worker to be registered for each work item in a work information storage unit** (see at least FIG. 6, 200, and column 8, lines 66 – 68, which discloses the Employee Inventory File).

Claim 6 recites recite substantially similar subject matter that found in claims 1 and 14, and is rejected using the same rationale as above.

Claim 10 recites substantially similar subject matter to claim 1 and are therefore rejected using the same art and rationale set forth above.

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Claim **15** recites substantially similar subject matter to claim 14 and are therefore rejected using the same art and rationale set forth above.

9. Claims **3-4, 8-9, and 12-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Stipanovich et al. (U.S. 5, 117, 353, hereinafter Stipanovich) in view of Casey-Cholakis et al. (U.S. 6,438,353, hereinafter Casey-Cholakis) in further view of Brodersen et al. (U.S. 6,850,895, hereinafter Brodersen).

In respect to claim **3**, Stipanovich teaches **wherein at least one of said first extracting and said second extracting extracts, by the computer, worker information of a first worker to actually perform each work item and storing extracted workers in the work information storage section** (see at least column 8, line 61 – column 10, line 40). Stipanovich further discloses going to a next employee (see at least FIG. 6, 156).

However, Stipanovich does not expressly disclose that **wherein at least one of said first extracting and said second extracting extracts, by the computer, worker information of a second worker to assist the first worker.**

Brodersen teaches extracting worker information of a second worker to assist the first worker (see column 2, lines 28-36 and 55-67, column 4, lines 1-5 and 48-67, column 5, lines 42-60, column 6, lines 27-37, and column 13, lines 10-15, which discloses a rule based system that matches multiple workers to a task, where one worker is a primary worker).

Both Stipanovich and Brodersen are concerned with matching workers to jobs based on their skill sets. Brodersen specifically discloses assigning multiple workers to the same task, with

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one worker being the primary worker. It would have been obvious to one of ordinary skill in the art at the time of the invention to include selecting a second worker for a task in order to more efficiently work on complex tasks using a team of workers (see Brodersen, column 2, lines 28-36).

In respect to claim 4, Stipanovich discloses **wherein at least one of said first extracting and said second extracting extracts, by the computer the worker information of the worker for the work item based on the work having skills comparable to that required of the work item, by referring to the skill information storage section** (see at least column 8, line 61 – column 10, line 40). However, Stipanovich does not expressly disclose **extracting worker information of a second worker to assist the first worker, where the second worker has a skill comparable to that of the first worker.**

Brodersen discloses extracting worker information of a second worker to assist the first worker, where the second worker has a skill comparable to that of the first worker (See column 2, lines 28-36 and 55-67, column 4, lines 1-5 and 48-67, column 5, lines 42-60, column 6, lines 27-37, and column 13, lines 10-15, which discloses a rule based system that matches multiple workers to a task, where one worker is a primary worker. Both workers have skills that match the job profile, and thus the second worker has a skill comparable to that of the first worker).

Both Stipanovich and Brodersen are concerned with matching workers to jobs based on their skill sets. Brodersen specifically discloses assigning multiple workers to the same task, with one worker being the primary worker. It would have been obvious to one of ordinary skill in the art at the time of the invention to include selecting a second worker for a task in order to more

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efficiently work on complex tasks using a team of workers (see Brodersen, column 2, lines 28-36).

### **Conclusion**

10. The prior art made of record and not relied upon considered pertinent to Applicant's disclosure.

a. Haq et al. (US 6275812 B1) discloses an intelligent system for dynamic resource management.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN MILLER whose telephone number is (571)270-5288.

The examiner can normally be reached on Mon - Fri, 10:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LYNDIA JASMIN can be reached on (571) 272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/A. M./

Examiner, Art Unit 3624

/LYNDA C JASMIN/

Supervisory Patent Examiner, Art Unit 3624